

1
2
3
4
5
6
7
8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 JACKIE GREENE,

11 Plaintiff(s),

12 vs.

13 WAL-MART STORES, INC.,

14 Defendant(s).
15

Case No. 2:15-cv-00677-JAD-NJK

ORDER

(Docket No. 13)

16 Pending before the Court is Defendant's motion for dismissal sanctions. Docket No. 13. That
17 motion is hereby **DENIED** without prejudice. Defendant is permitted to renew its motion, but any
18 renewed motion must explain whether a finding of willfulness, fault, or bad faith is required for the relief
19 sought. *See R&R Sails, Inc. v. Insurance Co. of Penn.*, 673 F.3d 1240, 1247 (9th Cir. 2012) ("because
20 the sanction amounted to dismissal of a claim, the district court was required to consider whether the
21 claimed noncompliance involved willfulness, fault, or bad faith"). If so, the renewed motion must
22 explain why Defendant believes such a finding is proper in this case.

23 **IT IS SO ORDERED.**

24 DATED: October 15, 2015

25 
26 _____
NANCY J. KOPPE
United States Magistrate Judge
27
28